



04-04-02

P J#13
C Burt

Our Ref.: 446.001 ~~PTO~~ 30 AUG 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
LALANNE et al : Attn: Charitta A. Burt
Serial No.: 09/786,880 :
Filed: March 8, 2001 :
For: ESSENTIAL GENES..SAID GENES :
600 Third Avenue
New York, NY 10016
August 30, 2002

RESPONSE

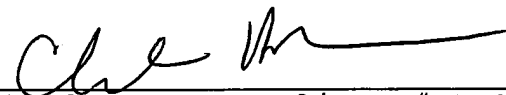
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Notification of Defective Response, Applicants are submitting herewith a copy of the Notice, a paper copy of the Sequence Listing and a computer readable diskette thereof. Also enclosed is a two month extension of time and PTO Form 2038.

It is requested that the paper copy and the new diskette be entered in place of the damaged diskette. The contents of the paper copy and the diskette are the same and, where applicable, include no new matter as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

Respectfully submitted,
BIERMAN, MUSERLIAN AND LUCAS


Charles A. Muserlian, #19,683
Attorney for Applicant(s)
Tel. # (212) 661-8000

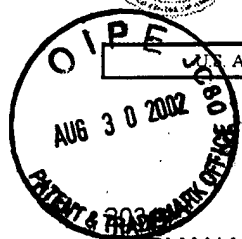
CAM:sd

Enclosures: Copy of Notice of Defective Response
Paper Copy of Sequence Listing
Computer Readable Diskette
Return Receipt Postcard



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov



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|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/786,880 | Lalanne | 446.001 |

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| INTERNATIONAL APPLICATION NO. |
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PCT/EP99/07376

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|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|

09/13/1999

09/11/1998

BIERMAN MUSERLIAN AND LUCAS
600 THIRD AVENUE
NEW YORK, NY 10016

CONFIRMATION NO. 6096

371 FORMALITIES LETTER



OC000000007981726

Date Mailed: 05/01/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

- Please see the attached error list.
- APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/786,880 | PCT/EP99/07376 | 446.001 |



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/786,880 | 03/08/2001 | Lalanne | 446.001 |

20311
BIERMAN MUSERLIAN AND LUCAS
600 THIRD AVENUE
NEW YORK, NY 10016

CONFIRMATION NO. 6096

RESEND COVER LETTER



OC000000008002193

Date Mailed: 05/01/2002

COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 02/01/2002 is enclosed. The time period for reply continues to run from the mail date of that Notice.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



"EXPRESS MAIL"

Mailing Label Number

EL 744022159 45

Date of Deposit:

August 30, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above and is addressed to U.S. Patent and Trademark Office, Box Sequence, P.O. BOX 2327, Arlington, VA 22202

D. Salconczyk